

93<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

Calendar No. 665

**S. 3044**

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IN THE SENATE OF THE UNITED STATES

APRIL 1, 1974

Ordered to lie on the table and to be printed

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**AMENDMENT**

(IN THE NATURE OF A SUBSTITUTE)

Intended to be proposed by Mr. DOLE to S. 3044, a bill to amend the Federal Election Campaign Act of 1971 to provide for public financing of primary and general election campaigns for Federal elective office, and to amend certain other provisions of law relating to the financing and conduct of such campaigns, viz: Strike out all after the enacting clause and insert in lieu thereof the following:

- 1 That this Act may be cited as the "Federal Election Cam-
- 2 paign Act Amendments of 1974".

**Amdt. No. 1127**

## TABLE OF CONTENTS

## TITLE I—CHANGES IN COMMUNICATIONS ACT OF 1934

Sec. 101. Campaign communications.

TITLE II—CRIMES RELATING TO ELECTIONS AND  
POLITICAL ACTIVITIES

Sec. 201. Changes in definitions.

Sec. 202. Expenditure of personal and family funds for Federal campaigns.

Sec. 203. Contributions to committees.

Sec. 204. Prohibition of contributions and expenditures by foreign individuals.

Sec. 205. Limitations on political contributions; embezzlement or conversion of campaign funds; prohibited acts.

“Sec. 614. Limitations on contributions.

“Sec. 615. Forms of contributions.

“Sec. 616. Embezzlement or conversion of political contributions.

“Sec. 617. Voting fraud.

“Sec. 618. Prohibited campaign practices.”.

TITLE III—CHANGES IN FEDERAL ELECTION CAMPAIGN  
ACT OF 1971

Sec. 301. Changes in definitions for reporting and disclosure.

Sec. 302. Registration of candidates and political committees.

Sec. 303. Changes in reporting requirements.

Sec. 304. Campaign advertisements.

Sec. 305. Waiver of reporting requirements.

Sec. 306. Contributions in the name of another.

Sec. 307. Role of political party organization in Presidential campaigns; use of excess campaign funds; penalties.

Sec. 308. Applicable State laws.

## TITLE IV—FEDERAL ELECTION COMMISSION

Sec. 401. Establishment of Federal Election Commission; central campaign committees; campaign depositories; authorization of appropriations.

Sec. 402. Indexing and publication of reports.

Sec. 403. Judicial review.

Sec. 404. Financial assistance to States to promote compliance.

Sec. 405. Authorization of appropriations.

## TITLE V—DISCLOSURE OF FINANCIAL INTERESTS

Sec. 501. Federal employee financial disclosure requirements.

TITLE VI—RELATED INTERNAL REVENUE CODE  
AMENDMENTS

Sec. 601. Increase in political contributions credit and deduction.

Sec. 602. Repeal of existing provisions relating to Presidential campaign financing.

Sec. 603. Gift tax treatment of political contributions.

## TABLE OF CONTENTS—Continued

## TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Presidential preference primary elections.

Sec. 702. Congressional primaries.

Sec. 703. Suspension of frank for mass mailings immediately before elections.

Sec. 704. Prohibition of franked solicitations.

# 1 TITLE I—CHANGES IN COMMUNICATIONS ACT

## 2 OF 1934

### 3 CAMPAIGN COMMUNICATIONS

4 SEC. 101. (a) Section 315 (a) of the Communications  
 5 Act of 1934 (47 U.S.C. 315 (a) ) is amended by inserting  
 6 after “public office” in the first sentence thereof the follow-  
 7 ing: “, other than Federal elective office (including the  
 8 office of Vice President)”.

9 (b) Section 315 (b) of such Act (47 U.S.C. 315 (b) )  
 10 is amended by striking out “by any person” and inserting  
 11 “by or on behalf of any person”.

12 (c) Section 315 (d) of such Act (47 U.S.C. 315 (d) )  
 13 is amended to read as follows:

14 “(d) If a State by law imposes a limitation upon the  
 15 amount which a legally qualified candidate for nomina-  
 16 tion for election, or for election, to public office (other than  
 17 Federal elective office) within that State may spend in  
 18 connection with his campaign for such nomination or his  
 19 campaign for election, then no station licensee may make  
 20 any charge for the use of such station by or on behalf of

1 such candidate unless such candidate (or a person spe-  
2 cifically authorized in writing by him to do so) certifies to  
3 such licensee in writing that the payment of such charge  
4 will not violate that limitation.”.

5 (d) Section 317 of such Act (47 U.S.C. 317), is  
6 amended by—

7 (1) striking out in paragraph (1) of subsection

8 (a) “person: *Provided, That*” and inserting in lieu  
9 thereof the following: “person. If such matter is a  
10 political advertisement soliciting funds for a candidate  
11 or a political committee, there shall be announced at  
12 the time of such broadcast a statement that a copy  
13 of reports filed by that person with the Federal Election  
14 Commission is available from the Federal Election Com-  
15 mission, Washington, D.C., and the licensee shall  
16 not make any charge for any part of the costs of mak-  
17 ing the announcement. The term”; and

18 (2) by redesignating subsection (e) as (f),  
19 and by inserting after subsection (d) the following  
20 new subsection:

21 “(e) Each station licensee shall maintain a record of  
22 any political advertisement broadcast, together with the  
23 identification of the person who caused it to be broadcast,  
24 for a period of two years. The record shall be available for  
25 public inspection at reasonable hours.”.

## 1 TITLE II—CRIMES RELATING TO ELECTIONS

## 2 AND POLITICAL ACTIVITIES

## 3 CHANGES IN DEFINITIONS

4 SEC. 201. (a) Paragraph (a) of section 591 of title 18,  
5 United States Code, is amended by—

6 (1) inserting “or” before “(4)”; and

7 (2) striking out “and (5) the election of dele-  
8 gates to a constitutional convention for proposing amend-  
9 ments to the Constitution of the United States”.

10 (b) Such section 591 is amended by striking out para-  
11 graph (d) and inserting in lieu thereof the following:

12 “(d) ‘political committee’ means—

13 “(1) any committee, club, association, or other  
14 group of persons which receives contributions or makes  
15 expenditures during a calendar year in an aggregate  
16 amount exceeding \$1,000;

17 “(2) any national committee, association, or orga-  
18 nization of a political party, any State affiliate or sub-  
19 sidiary of a national political party, and any State cen-  
20 tral committee of a political party; and

21 “(3) any committee, association, or organization  
22 engaged in the administration of a separate segregated  
23 fund described in section 610;”.

24 (c) Such section 591 is amended by—

25 (1) inserting in paragraph (c) (1) after “subscrip-

1       tion” the following: “(including any assessment, fee, or  
2       membership dues)”;

3           (2) striking out in such paragraph “or for the pur-  
4       pose of influencing the election of delegates to a consti-  
5       tutional convention for proposing amendments to the  
6       Constitution of the United States” and inserting in lieu  
7       thereof the following: “or for the purpose of financing  
8       any operations of a political committee, or for the pur-  
9       pose of paying, at any time, any debt or obligation in-  
10      curred by a candidate or a political committee in con-  
11      nection with any campaign for nomination for election,  
12      or for election, to Federal office”; and

13          (3) striking out subparagraph (2) of paragraph  
14      (e), and amending subparagraph (3) of such paragraph  
15      to read as follows:

16          “(2) funds received by a political committee which  
17      are transferred to that committee from another political  
18      committee;”;

19          (4) redesignating subparagraphs (4) and (5)  
20      of paragraph (e) as paragraphs (3) and (4),  
21      respectively;

22      (d) Such section 591 is amended by striking out para-  
23      graph (f) and inserting in lieu thereof the following:

24          “(f) ‘expenditure’ means—

25          “(1) a purchase, payment, distribution, loan

1       (except a loan of money by a National or State bank  
2       made in accordance with the applicable banking laws  
3       and regulations, and in the ordinary course of business),  
4       advance, deposit, or gift of money or anything of value,  
5       made for the purpose of—

6               “(A) influencing the nomination for election,  
7       or the election, of any person to Federal office, or  
8       to the office of Presidential and Vice-Presidential  
9       elector;

10              “(B) influencing the result of a primary elec-  
11       tion held for the selection of delegates to a national  
12       nominating convention of a political party or for the  
13       expression of a preference for the nomination of  
14       persons for election to the office of President;

15              “(C) financing any operations of a political  
16       committee; or

17              “(D) paying, at any time, any debt or obliga-  
18       tion incurred by a candidate or a political committee  
19       in connection with any campaign for nomination  
20       for election, or for election, to Federal office; and

21              “(2) the transfer of funds by a political committee  
22       to another political committee; but

23              “(3) does not include the value of service rendered  
24       by individuals who volunteer to work without compen-  
25       sation on behalf of a candidate;”.

1       (e) Such section 591 is amended by striking out "and"  
 2 at the end of paragraph (g), striking out the "States." in  
 3 paragraph (h) and inserting in lieu thereof "States;"; and  
 4 by adding at the end thereof the following new paragraphs:

5       “(i) ‘political party’ means any association, commit-  
 6 tee, or organization which nominates a candidate for elec-  
 7 tion to any Federal office whose name appears on the elec-  
 8 tion ballot as the candidate of that association, committee,  
 9 or organization; and

10       “(j) ‘national committee’ means the organization which,  
 11 by virtue of the bylaws of the political party, is responsible  
 12 for the day-to-day operation of that political party at the  
 13 national level as determined by the Federal Election Com-  
 14 mission under section 301 (k) of the Federal Election Cam-  
 15 paign Act of 1971.”.

16           EXPENDITURE OF PERSONAL AND FAMILY FUNDS

17                   FOR FEDERAL CAMPAIGNS

18       SEC. 202. (a) (1) Subsection (a) (1) of section 608 of  
 19 title 18, United States Code, is amended to read as follows:

20       “(a) (1) No candidate may make expenditures from  
 21 his personal funds, or the personal funds of his immediate  
 22 family, in connection with his campaigns for nomination for  
 23 election, and for election, to Federal office in excess, in the  
 24 aggregate during any calendar year, of—



1           “(A) \$50,000, in the case of a candidate for the  
2           office of President or Vice President;

3           “(B) \$35,000, in the case of a candidate for the  
4           office of Senator; or

5           “(C) \$25,000, in the case of a candidate for the  
6           office of Representative, or Delegate or Resident Com-  
7           missioner to the Congress.”.

8           (2) Subsection (a) of such section is amended by add-  
9           ing at the end thereof the following new paragraphs:

10          “(3) No candidate or his immediate family may make  
11          loans or advances from their personal funds in connection  
12          with his campaign for nomination for election, or election, to  
13          Federal office unless such loan or advance is evidenced by a  
14          written instrument fully disclosing the terms and conditions  
15          of such loan or advance.

16          “(4) For purposes of this subsection, any such loan or  
17          advance shall be included in computing the total amount of  
18          such expenditures only to the extent of the balance of such  
19          loan or advance outstanding and unpaid.”

20          (b) Subsection (c) of such section is amended by  
21          striking out “\$1,000” and inserting in lieu thereof “\$25,-  
22          000”, and by striking out “one year” and inserting in lieu  
23          thereof “five years”.

24          (c) (1) The caption of such section 608 is amended by

1 adding at the end thereof the following: "out of candidates'  
2 personal and family funds".

3 (2) The table of sections for chapter 29 of title 18,  
4 United States Code, is amended by striking out the item  
5 relating to section 608 and inserting in lieu thereof the  
6 following:

"608. Limitations on contributions and expenditures out of candidates'  
personal and family funds."

7 (d) Notwithstanding the provisions of section 608 of  
8 title 18, United States Code, it shall not be unlawful for  
9 any individual who, as of the date of enactment of this  
10 Act, has outstanding any debt or obligation incurred on  
11 his behalf by any political committee in connection with  
12 his campaigns prior to January 1, 1973, for nomination for  
13 election, and for election, to Federal office, to satisfy or dis-  
14 charge any such debt or obligation out of his own personal  
15 funds or the personal funds of his immediate family (as such  
16 term is defined in such section 608).

17 CONTRIBUTION TO COMMITTEES

18 SEC. 203. Chapter 29 of title 18, United States Code, is  
19 amended by inserting after section 608 the following new  
20 section:

21 **"§ 609. Identification of donee**

22 "No political committee, other than an authorized com-  
23 mittee, may accept contributions from individual contributors

1 unless such contributors designate in writing the name of the  
2 candidate or authorized committee to which the contribution  
3 shall be given.”.

4 PROHIBITION OF CONTRIBUTIONS AND EXPENDITURES

5 BY FOREIGN INDIVIDUALS

6 SEC. 204. Section 613 of title 18, United States Code,  
7 is amended—

8 (a) by adding to the section caption the following:

9 “or drawn on foreign banks”;

10 (b) by inserting immediately before “Whoever” at  
11 the beginning of the first paragraph the following:

12 “(a)”; and

13 (c) by adding at the end thereof the following  
14 new subsection:

15 “(b) No person may make a contribution in the  
16 form of a written instrument drawn on a foreign bank.  
17 Violation of the provisions of this subsection is punishable  
18 by a fine not to exceed \$5,000, imprisonment not to ex-  
19 ceed five years, or both.”

20 LIMITATIONS ON POLITICAL CONTRIBUTIONS; EMBEZZLE-  
21 MENT OR CONVERSION OF CAMPAIGN FUNDS

22 SEC. 205. (a) Chapter 29 of title 18, United States  
23 Code, is amended by adding at the end thereof the following  
24 new sections:

1   **“§ 614. Limitations on contributions**

2       “(a) During any calendar year—

3           “(1) no person may make a contribution to, or for  
4       the benefit of, a candidate for that candidate’s campaign  
5       for nomination for election, or election, which, when  
6       added to the sum of all other contributions made by that  
7       person for that campaign, exceeds \$3,000, or

8           “(2) no candidate may knowingly accept a con-  
9       tribution for his campaign from any person which, when  
10      added to the sum of all other contributions received from  
11      that person for that campaign, exceeded \$3,000.

12      “(b) No candidate may knowingly accept a contribu-  
13      tion for his campaign—

14           “(A) from any person who—

15               “(i) is not a citizen of the United States, and

16               “(ii) is not lawfully admitted for permanent  
17      residence, as defined in section 101 (a) (20) of the  
18      Immigration and Nationality Act; or

19           “(B) which is made in violation of section 613 of  
20      this title.

21      “(c) No officer or employee of a political committee  
22      or of a political party may knowingly accept any contribu-  
23      tion made for the benefit or use of a candidate which that  
24      candidate could not accept under subsection (a) or (b).

25      “(d) (1) For purposes of the limitations contained in

1 this section all contributions made by any person directly  
2 or indirectly to or for the benefit of a particular candidate,  
3 including contributions which are in any way earmarked,  
4 encumbered, or otherwise directed through an intermediary  
5 or conduit to that candidate, shall be treated as contributions  
6 from that person to that candidate.

7 “(2) Contributions made to, or for the benefit of, a  
8 candidate nominated by a political party for election to the  
9 office of Vice President shall be considered, for purposes of  
10 this section, to be made to, or for the benefit of, a candidate  
11 nominated by that party for election to the office of President.

12 “(e) (1) No individual may make a contribution dur-  
13 ing any calendar year which, when added to the sum of  
14 all other contributions made by that individual during that  
15 year, exceeds \$25,000.

16 “(f) Violation of the provisions of this section is  
17 punishable by a fine of not to exceed \$25,000, imprison-  
18 ment for not to exceed five years, or both.

19 **“§ 615. Form of contributions**

20 “No person may make a contribution to, or for the bene-  
21 fit of, any candidate or political committee in excess, in the  
22 aggregate during any calendar year, of \$50 unless such  
23 contribution is made by a written instrument identifying the  
24 person making the contribution. Violation of the provisions

1 of this section is punishable by a fine of not to exceed \$1,000,  
2 imprisonment for not to exceed one year, or both.

3 **“§ 616. Embezzlement or conversion of political contribu-**  
4 **tions**

5 “(a) No candidate, officer, employee, or agent of a po-  
6 litical committee, or person acting on behalf of any candidate  
7 or political committee, shall embezzle, knowingly convert  
8 to his own use or the use of another, or deposit in any place  
9 or in any manner except as authorized by law, any con-  
10 tributions or campaign funds entrusted to him or under his  
11 possession, custody, or control, or use any campaign funds to  
12 pay or defray the costs of attorney fees for the defense of  
13 any person or persons charged with the commission of a  
14 crime; or receive, conceal, or retain the same with intent  
15 to convert it to his personal use or gain, knowing it to have  
16 been embezzled or converted.

17 “(b) Violation of the provisions of this section is pun-  
18 ishable by a fine of not more than \$25,000, imprisonment  
19 for not more than ten years, or both; but if the value of such  
20 property does not exceed the sum of \$100, the fine shall not  
21 exceed \$1,000 and the imprisonment shall not exceed one  
22 year. Notwithstanding the provisions of this section, any  
23 surplus or unexpended campaign funds may be contrib-  
24 uted to a National or State political party for political pur-  
25 poses, or to educational or charitable organizations, or may

1 be preserved for use in future campaigns for elective office,  
2 or for any other lawful purpose.

3 **“§ 617. Voting fraud**

4 “(a) No person shall in a Federal election—

5 “(1) cast, or attempt to cast, a ballot in the name  
6 of another person,

7 “(2) cast, or attempt to cast, a ballot if he is not  
8 qualified to vote,

9 “(3) forge or alter a ballot,

10 “(4) miscount votes,

11 “(5) tamper with a voting machine, or

12 “(6) commit any act (or fail to do anything re-  
13 quired of him by law), with the intent of causing an  
14 inaccurate count of lawfully cast votes in any election.

15 “(b) A violation of the provisions of subsection (a)  
16 is punishable by a fine of not to exceed \$100,000, im-  
17 prisonment for not more than ten years, or both.

18 **“§ 618. Prohibited campaign practices**

19 “Whoever, knowingly, with intent to mislead voters in  
20 any primary, special, or general election or disrupt the cam-  
21 paign of a candidate for any political office—

22 “(1) conveys or causes to be conveyed false instruc-  
23 tions to a campaign worker;

24 “(2) places false advertisements in communications  
25 media, as defined in section 102 of the Campaign Com-

1        munications Reform Act (Public Law 92-225, 86  
2        Stat. 3) ;

3            “(3) impedes or substructs the entry of any person  
4        lawfully entitled to attend a campaign gathering or  
5        event;

6            “(4) utters any false oral or written statement con-  
7        cerning any material fact about a candidate; or

8            “(5) orders goods or services on behalf of a candi-  
9        date;

10       shall be fined not more than \$10,000 or imprisoned not more  
11       than ten years, or both.”.

12        (b) Section 591 of title 18, United States Code, is  
13        amended by striking out “and 611” and inserting in lieu  
14        thereof “611, 613, 614, 615, 616, 617, and 618.”.

15        (c) The table of sections for chapter 29 of title 18,  
16        United States Code, is amended by striking out the item  
17        relating to section 613 and inserting in lieu thereof the fol-  
18        lowing new items:

“613. Contributions by agents of foreign principals or drawn on foreign  
      banks.

“614. Limitation on contributions.

“615. Form of contributions.

“616. Embezzlement or conversion of political contributions.

“617. Voting fraud.

“618. Prohibited campaign practices.”.



1 TITLE III—CHANGES IN FEDERAL ELECTION  
2 CAMPAIGN ACT OF 1971

3 CHANGES IN DEFINITIONS FOR REPORTING AND DISCLOSURE

4 SEC. 301. (a) Section 301 of the Federal Election  
5 Campaign Act of 1971 (relating to definitions) is amended  
6 by—

7 (1) striking out “, and (5) the election of dele-  
8 gates to a constitutional convention for proposing amend-  
9 ments to the Constitution of the United States” in para-  
10 graph (a), and by inserting “and” before “(4)” in  
11 such paragraph;

12 (2) striking out paragraph (d) and inserting in  
13 lieu thereof the following:

14 “(d) ‘political committee’ means—

15 “(1) any committee, club, association, or other  
16 group of persons which receives contributions or  
17 makes expenditures during a calendar year in an  
18 aggregate amount exceeding \$1,000;

19 “(2) any national committee, association, or  
20 organization of a political party, any State affiliate  
21 or subsidiary of a national political party, and any  
22 State central committee of a political party; and

1           “(3) any committee, association, or organiza-  
2           tion engaged in the administration of a separate  
3           segregated fund described in section 610 of title 18,  
4           United States Code;”;

5           (3) inserting in paragraph (e) (1) after “subscrip-  
6           tion” the following: “(including any assessment, fee,  
7           or membership dues)”;

8           (4) striking out in paragraph (e) (1) “or for the  
9           purpose of influencing the election of delegates to a  
10          constitutional convention for proposing amendments to  
11          the Constitution of the United States” and insert-  
12          ing in lieu thereof the following: “or for the purpose  
13          of financing any operations of a political committee  
14          (other than a payment made or an obligation incurred  
15          by a corporation or labor organization which, under the  
16          provisions of the last paragraph of section 610 of title  
17          18, United States Code, does not constitute a contribu-  
18          tion by that corporation or labor organization), or for  
19          the purpose of paying, at any time, any debt or obliga-  
20          tion incurred by a candidate or a political committee in  
21          connection with any campaign for nomination for elec-  
22          tion, or for election, to Federal office”;

23          (5) striking out subparagraph (2) of paragraph  
24          (e), and amending subparagraph (3) of such para-  
25          graph to read as follows:

1           “(3) funds received by a political committee which  
2       are transferred to that committee from another political  
3       committee;”;

4           (6) redesignating subparagraphs (4) and (5) of  
5       paragraph (e) as paragraphs (3) and (4), respec-  
6       tively;

7           (7) striking out paragraph (f) and inserting in  
8       lieu thereof the following:

9           “(f) ‘expenditure’—

10           “(1) means a purchase, payment, distribution,  
11       loan, advance, deposit, or gift of money or anything  
12       of value, made for the purpose of—

13           “(A) influencing the nomination for elec-  
14       tion, or the election, of any person to Federal  
15       office, or to the office of Presidential and Vice-  
16       Presidential elector;

17           “(B) influencing the result of a primary  
18       election held for the selection of delegates to a  
19       national nominating convention of a political  
20       party or for the expression of a preference for  
21       the nomination of persons for election to the  
22       office of President;

23           “(C) financing any operations of a political  
24       committee; or

25           “(D) paying, at any time, any debt or

1 obligation incurred by a candidate or a political  
2 committee in connection with any campaign for  
3 nomination for election, or for election, to Fed-  
4 eral office; and

5 “(2) means the transfer of funds by a political  
6 committee to another political committee; but

7 “(3) does not include the value of services  
8 rendered by individuals who volunteer to work  
9 without compensation on behalf of a candidate.

10 (8) striking “and” at the end of paragraph (h);

11 (9) striking the period at the end of paragraph

12 (i) and inserting in lieu thereof a semicolon; and

13 (10) adding at the end thereof the following new  
14 paragraphs:

15 “(j) ‘identification’ means—

16 “(1) in the case of an individual, his full name  
17 and the full address of his principal place of  
18 residence; and

19 “(2) in the case of any other person, the full  
20 name and address of that person;

21 “(k) ‘national committee’ means the organization  
22 which, by virtue of the bylaws of a political party, is  
23 responsible for the day-to-day operation of that political  
24 party at the national level, as determined by the Com-  
25 mission; and

1           “(1) ‘political party’ means an association, commit-  
2       tee, or organization which nominates a candidate for  
3       election to any Federal office, whose name appears on  
4       the election ballot as the candidate of that association,  
5       committee, or organization.”.

6 (b) (1) Section 302 (b) of such Act (relating to reports  
7 of contributions in excess of \$10) is amended by striking  
8 “, the name and address (occupation and principal place of  
9 business, if any)” and inserting “of the contribution and  
10 the identification”.

(2) Section 302(c) of such Act (relating to detailed accounts) is amended by striking “full name and mailing address (occupation and the principal place of business, if any)” in paragraphs (2) and (4) and inserting in each such paragraph “identification”.

(3) Section 302 (c) of such Act is further amended by striking the semicolon at the end of paragraph (2) and inserting “and, if a person’s contributions aggregate more than \$100, the account shall include occupation, and the principal place of business (if any) ;”.

21 REGISTRATION OF CANDIDATES AND POLITICAL  
22 COMMITTEES

23 SEC. 302. (a) Section 303 of the Federal Election  
24 Campaign Act of 1971 (relating to registration of political  
25 committees; statements) is amended by redesignating sub-

1 sections (a) through (d) as (b) through (e), respectively,  
2 and by inserting after "SEC. 303." the following new sub-  
3 section (a) :

4       “(a) Each candidate shall, within ten days after the  
5 date on which he has qualified under State law as a candi-  
6 date, or on which he, or any person authorized by him  
7 to do so, has received a contribution or made an expendi-  
8 ture in connection with his campaign or for the purpose  
9 of preparing to undertake his campaign, file with the  
10 Commission a registration statement in such form as the  
11 Commission may prescribe. The statement shall include—

12               “(1) the identification of the candidate, and any  
13 individual, political committee, or other person he has  
14 authorized to receive contributions or make expenditures  
15 on his behalf in connection with his campaign;

16               “(2) the identification of his campaign depositories,  
17 together with the title and number of each account at  
18 each such depository which is to be used in connection  
19 with his campaign, any safety deposit box to be used  
20 in connection therewith, and the identification of each  
21 individual authorized by him to make any expenditure or  
22 withdrawal from such account or box; and

23               “(3) such additional relevant information as the  
24 Commission may require.”.

25       (b) The first sentence of subsection (b) of such section

1 (as redesignated by subsection (a) of this section) is  
2 amended to read as follows: "The treasurer of each political  
3 committee shall file with the Commission a statement of  
4 organization within ten days after the date on which the  
5 committee is organized."

6 (c) The second sentence of such subsection (b) is  
7 amended by striking out "this Act" and inserting in lieu  
8 thereof the following: "The Federal Election Campaign Act  
9 Amendments of 1974".

10 (d) Subsection (c) of such section (as redesignated  
11 by subsection (a) of this section) is amended by—

12 (1) inserting "be in such form as the Commission  
13 shall prescribe, and shall" after "The statement of  
14 organization shall";

15 (2) striking out paragraph (3) and inserting in  
16 lieu thereof the following:

17 "(3) the geographic area or political jurisdiction  
18 within which the committee will operate, and a general  
19 description of the committee's authority and activities;" ;  
20 and

21 (3) striking out paragraph (9) and inserting in  
22 lieu thereof the following:

23 "(9) the name and address of the campaign deposi-  
24 tories used by that committee, together with the title  
25 and number of each account and safety deposit box

1       used by that committee at each depository, and the  
 2       identification of each individual authorized to make  
 3       withdrawals or payments out of such account or box;”.

4       (e) The caption of such section 303 is amended by  
 5       inserting “CANDIDATES AND” after “REGISTRATION OF”.

6                   CHANGES IN REPORTING REQUIREMENTS

7       SEC. 303. (a) Section 304 of the Federal Election Cam-  
 8       paign Act of 1971 (relating to reports by political com-  
 9       mittees and candidates) is amended by—

10               (1) inserting “(1)” after “(a)” in subsection (a) ;

11               (2) striking out “for election” each place it ap-  
 12       pears in the first sentence of subsection (a) and in-  
 13       serting in lieu thereof in each such place “for nomina-  
 14       tion for election, or for election,”;

15               (3) striking out the second sentence of subsection  
 16       (a) and inserting in lieu thereof the following: “Such  
 17       reports shall be filed on the tenth day of April, July,  
 18       and October of each year, on the tenth day preceding  
 19       an election, and on the last day of January of each year.  
 20       Notwithstanding the preceding sentence, the reports  
 21       required by that sentence to be filed during April, July,  
 22       and October by or relating to a candidate during a year  
 23       in which no Federal election is held in which he is a  
 24       candidate, may be filed on the twentieth day of each  
 25       month.”;



14           (4) striking out everything after “filing” in the  
15       third sentence of subsection (a) and inserting in lieu  
16       thereof a period and the following: “If the person mak-  
17       ing any anonymous contribution is subsequently identi-  
18       fied, the identification of the contributor shall be re-  
19       ported to the Commission within the reporting period  
20       within which he is identified.”; and

21           (5) adding at the end of subsection (a) the follow-  
22       ing new paragraph:

23       “(2) Upon a request made by a Presidential candidate  
24       or a political committee which operates in more than one  
25       State, or upon its own motion, the Commission may waive  
14       the reporting dates (other than January 31) set forth in  
15       paragraph (1), and require instead that such candidates or  
16       political committees file reports not less frequently than  
17       monthly. The Commission may not require a Presidential  
18       candidate or a political committee operating in more than  
19       one State to file more than eleven reports (not counting any  
20       report to be filed on January 31) during any calendar year.  
21       If the Commission acts on its own motion under this para-  
22       graph with respect to a candidate or a political committee,  
23       that candidate or committee may obtain judicial review in  
24       accordance with the provisions of chapter 7 of title 5, United  
25       States Code.”.

1       (b) (1) Section 304 (b) of such Act (relating to reports  
2 by political committees and candidates) is amended by  
3 striking “full name and mailing address (occupation and  
4 the principal place of business, if any)” in paragraphs (9)  
5 and (10) and inserting in lieu thereof in each such para-  
6 graph “identification”.

7       (2) Subsection (b) (5) of such section 304 is amended  
8 by striking out “lender and endorsers” and inserting in lieu  
9 thereof “lender, endorsers, and guarantors”.

10       (c) Subsection (b) (12) of such section is amended by  
11 inserting before the semicolon the following: “, together  
12 with a statement as to the circumstances and conditions  
13 under which any such debt or obligation is extinguished  
14 and the consideration therefor”.

15       (d) Subsection (b) of such section is amended by—

16           (1) striking the “and” at the end of paragraph  
17       (12) ; and

18           (2) redesignating paragraph (13) as (14), and  
19 by inserting after paragraph (12) the following new  
20 paragraph:

21           “(13) such information as the Commission may re-  
22 quire for the disclosure of the nature, amount, source,  
23 and designated recipient of any earmarked, encum-  
24 bered, or restricted contribution or other special fund;  
25 and”.

1       (e) The first sentence of subsection (c) of such section  
2 is amended to read as follows: "The reports required to be  
3 filed by subsection (a) shall be cumulative during the calen-  
4 dar year to which they relate, and during such additional  
5 periods of time as the Commission may require."

6       (f) Such section 304 is amended by adding at the end  
7 thereof the following new subsections:

8       “(d) This section does not require a Member of Con-  
9 gress to report, as contributions received or as expendi-  
10 tures made, the value of photographic, matting, or record-  
11 ing services furnished to him before the first day of January  
12 of the year preceding the year in which his term of office  
13 expires if those services were furnished to him by the  
14 Senate Recording Studio, the House Recording Studio, or  
15 by any individual whose pay is disbursed by the Secre-  
16 tary of the Senate or the Clerk of the House of Repre-  
17 sentatives and who furnishes such services as his primary  
18 duty as an employee of the Senate or House of Repre-  
19 sentatives, or if such services were paid for by the Republi-  
20 can or Democratic Senatorial Campaign Committee, the  
21 Democratic National Congressional Committee, or the  
22 National Republican Congressional Committee.

23       “(e) Every person (other than a political committee or  
24 candidate) who makes contributions or expenditures, other  
25 than by contribution to a political committee or candidate,

1 in an aggregate amount in excess of \$100 within a calen-  
2 dar year shall file with the Commission a statement con-  
3 taining the information required by this section. State-  
4 ments required by this subsection shall be filed on the  
5 dates on which reports by political committees are filed but  
6 need not be cumulative.”.

7 (g) The caption of such section 304 is amended to read  
8 as follows:

9 “REPORTS”.

10 CAMPAIGN ADVERTISEMENTS

11 SEC. 304. Section 305 of the Federal Election Cam-  
12 paign Act of 1971 (relating to reports by others than po-  
13 litical committees) is amended to read as follows:

14 “REQUIREMENTS RELATING TO CAMPAIGN

15 ADVERTISING

16 “SEC. 305. (a) No person shall cause any political ad-  
17 vertisement to be published unless he furnishes to the  
18 publisher of the advertisement his identification in writing,  
19 together with the identification of any person authorizing  
20 him to cause such publication.

21 “(b) Any published political advertisement shall con-  
22 tain a statement, in such form as the Commission may  
23 prescribe, of the identification of the person authorizing  
24 the publication of that advertisement.

25 “(c) Any publisher who publishes any political adver-

1 tisement shall maintain such records as the Commission  
2 may prescribe for a period of two years after the date of  
3 publication setting forth such advertisement and any  
4 material relating to identification furnished to him in  
5 connection therewith, and shall permit the public to inspect  
6 and copy those records at reasonable hours.

7 “(d) To the extent that any person sells space in any  
8 newspaper or magazine to a candidate or his agent for  
9 Federal office, or nomination thereto, in connection with  
10 such candidate’s campaign for nomination for, or elec-  
11 tion to, such office, the charges made for the use of such  
12 space in connection with his campaign shall not exceed the  
13 charges made for comparable use of such space for other  
14 purposes.

15 “(e) Any political committee shall include on the face  
16 or front page of all literature and advertisements soliciting  
17 contributions the following notice:

18 “‘A copy of our report filed with the Federal Elec-  
19 tion Commission is available for purchase from the  
20 Federal Election Commission, Washington, D.C.’

21 “(f) As used in this section, the term—

22 “(1) ‘political advertisement’ means any matter  
23 advocating the election or defeat of any candidate but  
24 does not include any bona fide news story (including  
25 interviews, commentaries, or other words prepared for

1 and published by any newspaper, magazine, or other  
 2 periodical publication the publication of which work is  
 3 not paid for by any candidate, political committee, or  
 4 agent thereof) ; and

5 “ (2) ‘published’ means publication in a newspaper,  
 6 magazine, or other periodical publication, distribution  
 7 of printed leaflets, pamphlets, or other documents, or  
 8 display through the use of any outdoor advertising facil-  
 9 ity, and such other use of printed media as the Commis-  
 10 sion shall prescribe.”.

#### 11 WAIVER OF REPORTING REQUIREMENTS

12 SEC. 305. Section 306 (c) of the Federal Election Cam-  
 13 paign Act of 1971 (relating to formal requirements respect-  
 14 ing reports and statements) is amended to read as follows:

15 “ (c) The Commission may, by published regulation of  
 16 general applicability, relieve—

17 “ (1) any category of candidates of the obligation  
 18 to comply personally with the requirements of subsec-  
 19 tions (a) through (e) of section 304, if it determines  
 20 that such action will not have any adverse effect on the  
 21 purposes of this title, and

22 “ (2) any category of political committees of the  
 23 obligation to comply with such section if such com-  
 24 mittees—

25 “ (A) primarily support persons seeking State  
 26 or local office, and

1                   “(B) do not operate in more than one State  
2                   or do not operate on a statewide basis.”.

3                   CONTRIBUTIONS IN THE NAME OF ANOTHER PERSON

4                   SEC. 306. Section 310 of the Federal Election Campaign  
5 Act of 1971 (relating to prohibition of contributions in name  
6 of another) is redesignated as section 315 of such Act and  
7 amended by inserting after “another person”, the first time  
8 it appears, the following: “or knowingly permit his name to  
9 be used to effect such a contribution”.

10                  ROLE OF POLITICAL PARTY ORGANIZATION IN PRESIDEN-  
11                  TIAL CAMPAIGNS; USE OF EXCESS CAMPAIGN FUNDS;  
12                  PENALTIES

13                  SEC. 307. Title III of the Federal Election Campaign  
14 Act of 1971 is amended by striking out section 311 and by  
15 adding at the end of such title the following new sections:  
16 “APPROVAL OF PRESIDENTIAL CAMPAIGN EXPENDITURES  
17                                  BY NATIONAL COMMITTEE

18                  “SEC. 316. (a) No expenditure in excess of \$1,000 shall  
19 be made by or on behalf of any candidate who has received  
20 the nomination of his political party for President or Vice  
21 President unless such expenditure has been specifically ap-  
22 proved by the chairman or treasurer of that political party’s  
23 national committee or the designated representative of that  
24 national committee in the State where the funds are to be  
25 expended.

1       “(b) Each national committee approving expenditures  
2 under subsection (a) shall register under section 303 as a  
3 political committee and report each expenditure it approves  
4 as if it had made that expenditure, together with the identi-  
5 fication of the person seeking approval and making the  
6 expenditure.

7       “(c) No political party shall have more than one na-  
8 tional committee.

9       “USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES

10       “SEC. 317. Amounts received by a candidate as con-  
11 tributions that are in excess of any amount necessary to de-  
12 fray his campaign expenses (after the application of sec-  
13 tion 507(b)(1) of this Act), and any other amounts  
14 contributed to an individual for the purpose of supporting  
15 his activities as a holder of Federal office, may be used by  
16 that candidate or individual, as the case may be, to defray  
17 any ordinary and necessary expenses incurred by him in  
18 connection with his duties as a holder of Federal office, or  
19 may be contributed by him to any organization described  
20 in section 170(c) of the Internal Revenue Code of 1954.  
21 To the extent any such contribution, amount contributed, or  
22 expenditure thereof is not otherwise required to be disclosed  
23 under the provisions of this title, such contribution, amount  
24 contributed, or expenditure shall be fully disclosed in accord-



1   ance with regulations promulgated by the Commission. The  
 2   Commission is authorized to promulgate such regulations  
 3   as may be necessary to carry out the provisions of this  
 4   section.

5                               “PENALTY FOR VIOLATIONS

6       “SEC. 318. (a) Violation of any provision of this title  
 7   is a misdemeanor punishable by a fine of not more than  
 8   \$10,000, imprisonment for not more than one year, or both.

9       “(b) Violation of any provision of this title with  
 10   knowledge or reason to know that the action committed or  
 11   omitted is a violation of this title is punishable by a fine of  
 12   not more than \$10,000, imprisonment for not more than  
 13   five years, or both.”.

14                           APPLICABLE STATE LAWS

15       SEC. 308. Section 403 of the Federal Election Cam-  
 16   paign Act of 1971 is amended to read as follows:

17                           “EFFECT ON STATE LAW

18       “SEC. 403. The provisions of this Act, and of regulations  
 19   promulgated under this Act, preempt any provision of State  
 20   law with respect to campaigns for nomination for election, or  
 21   for election, to Federal office (as such term is defined in sec-  
 22   tion 301 (c) ).”.

1     **TITLE IV—FEDERAL ELECTION COMMISSION**

2     **ESTABLISHMENT OF FEDERAL ELECTION COMMISSION;**

3         **CENTRAL CAMPAIGN COMMITTEES; CAMPAIGN DE-**  
4         **POSITORIES**

5         SEC. 401. (a) Title III of the Federal Election Cam-  
6     paign Act of 1971 (relating to disclosure of Federal cam-  
7     paign funds) is amended by redesignating section 308 as  
8     section 312, and by inserting after section 307 the follow-  
9     ing new sections:

10                 **“FEDERAL ELECTION COMMISSION**

11         **“SEC. 308. (a) (1) There is established, as an inde-**  
12     **pendent establishment of the executive branch of the Gov-**  
13     **ernment of the United States; a commission to be known**  
14     **as the Federal Election Commission.**

15         **“(2) The Commission shall be composed of the Comp-**  
16     **troller General, who shall serve without the right to vote,**  
17     **and seven members who shall be appointed by the Presi-**  
18     **dent by and with the advice and consent of the Senate. Of**  
19     **the seven members—**

20                 **“(A) two shall be chosen from among individuals**  
21     **recommended by the President pro tempore of the**  
22     **Senate, upon the recommendations of the majority**  
23     **leader of the Senate and the minority leader of the**  
24     **Senate; and**

25                 **“(B) two shall be chosen from among individuals**

1 recommended by the Speaker of the House of Repre-  
2 sentatives, upon the recommendations of the majority  
3 leader of the House and the minority leader of the  
4 House.

5 The two members appointed under subparagraph (A) shall  
6 not be affiliated with the same political party; nor shall the  
7 two members appointed under subparagraph (B). Of the  
8 members not appointed under such subparagraphs, not more  
9 than two shall be affiliated with the same political party.

10 “(3) Members of the Commission, other than the  
11 Comptroller General, shall serve for terms of seven years,  
12 except that, of the members first appointed—

13 “(A) one of the members not appointed under sub-  
14 paragraph (A) or (B) of paragraph (2) shall be  
15 appointed for a term ending on the April thirtieth first  
16 occurring more than six months after the date on which  
17 he is appointed;

18 “(B) one of the members appointed under para-  
19 graph (2) (A) shall be appointed for a term ending one  
20 year after the April thirtieth on which the term of the  
21 member referred to in subparagraph (A) of this para-  
22 graph ends;

23 “(C) one of the members appointed under para-  
24 graph (2) (B) shall be appointed for a term ending  
25 two years thereafter;

1           “(D) one of the members not appointed under  
2           subparagraph (A) or (B) of paragraph (2) shall be  
3           appointed for a term ending six years thereafter.

4           “(E) one of the members appointed under para-  
5           graph (2) (A) shall be appointed for a term ending  
6           four years thereafter;

7           “(F) one of the members appointed under para-  
8           graph (2) (B) shall be appointed for a term ending  
9           five years thereafter; and

10          “(G) one of the members not appointed under sub-  
11          paragraph (A) or (B) of paragraph (2) shall be  
12          appointed for a term ending six years thereafter.

13          “(4) Members shall be chosen on the basis of their  
14          maturity, experience, integrity, impartiality, and good judg-  
15          ment. A member may be reappointed to the Commission  
16          only once.

17          “(5) An individual appointed to fill a vacancy occur-  
18          ring other than by the expiration of a term of office shall  
19          be appointed only for the unexpired term of the member he  
20          succeeds. Any vacancy occurring in the office of member  
21          of the Commission shall be filled in the manner in which  
22          that office was originally filled.

23          “(6) The Commission shall elect a Chairman and a  
24          Vice Chairman from among its members for a term of two  
25          years. The Chairman and the Vice Chairman shall not be

1 affiliated with the same political party. The Vice Chairman  
2 shall act as Chairman in the absence or disability of the  
3 Chairman, or in the event of a vacancy in that office.

4 “(b) A vacancy in the Commission shall not impair the  
5 right of the remaining members to exercise all the powers of  
6 the Commisison. Four members of the Commission shall  
7 constitute a quorum.

8 “(c) The Commission shall have an official seal which  
9 shall be judicially noticed.

10 “(d) The Commission shall at the close of each fiscal  
11 year report to the Congress and to the President concerning  
12 the action it has taken; the names, salaries, and duties of all  
13 individuals in its employ and the money it has disbursed; and  
14 shall make such further reports on the matters within its  
15 jurisdiction and such recommendations for further legislation  
16 as may appear desirable.

17 “(e) The principal office of the Commission shall be in  
18 or near the District of Columbia, but it may meet or exercise  
19 any or all its powers in any State.

20 “(f) The Commission shall appoint a General Counsel  
21 and an Executive Director to serve at the pleasure of the  
22 Commission. The General Counsel shall be the chief legal  
23 officer of the Commission. The Executive Director shall be  
24 responsible for the administrative operations of the Commis-

1 sion and shall perform such other duties as may be delegated  
2 or assigned to him from time to time by regulations or orders  
3 of the Commission. However, the Commission shall not dele-  
4 gate the making of regulations regarding elections to the  
5 Executive Director.

6 “(g) The Chairman of the Commission shall appoint  
7 and fix the compensation of such personnel as are necessary  
8 to fulfill the duties of the Commission in accordance with the  
9 provisions of title 5, United States Code.

10 “(h) The Commission may obtain the services of ex-  
11 perts and consultants in accordance with section 3109 of title  
12 5, United States Code.

13 “(i) In carrying out its responsibilities under this title,  
14 the Commission shall, to the fullest extent practicable, avail  
15 itself of the assistance, including personnel and facilities, of  
16 the General Accounting Office and the Department of Jus-  
17 tice. The Comptroller General and the Attorney General  
18 may make available to the Commission such personnel,  
19 facilities, and other assistance, with or without reimburse-  
20 ment, as the Commission may request.

21 “(j) The provisions of section 7324 of title 5, United  
22 States Code, shall apply to members of the Commission  
23 notwithstanding the provisions of subsection (d) (3) of  
24 such section.

25 “(k) (1) Whenever the Commission submits any budget

1 estimate or request to the President or the Office of Man-  
2 agement and Budget, it shall concurrently transmit a copy  
3 of that estimate or request to the Congress.

4 “(2) Whenever the Commission submits any legislative  
5 recommendations, or testimony, or comments on legisla-  
6 tion requested by the Congress or by any Member of  
7 Congress to the President or the Office of Management and  
8 Budget, it shall concurrently transmit a copy thereof to  
9 the Congress or to the Member requesting the same. No  
10 officer or agency of the United States shall have any  
11 authority to require the Commission to submit its legisla-  
12 tive recommendations, or testimony, or comments on legis-  
13 lation, to any office or agency of the United States for  
14 approval, comments, or review, prior to the submission of  
15 such recommendations, testimony, or comments to the  
16 Congress.

17 “POWERS OF COMMISSION

18 “SEC. 309. (a) The Commission has the power—

19 “(1) to require, by special or general orders, any  
20 person to submit in writing such reports and answers to  
21 questions as the Commission may prescribe; and such  
22 submission shall be made within such reasonable period  
23 and under oath or otherwise as the Commission may  
24 determine;

25 “(2) to administer oaths;

1           “(3) to require by subpoena, signed by the Chair-  
2           man or the Vice Chairman, the attendance and testi-  
3           mony of witnesses and the production of all documentary  
4           evidence relating to the execution of its duties;

5           “(4) in any proceeding or investigation to order  
6           testimony to be taken by deposition before any person  
7           who is designated by the Commission and has the power  
8           to administer oaths and, in such instances, to compel  
9           testimony and the production of evidence in the same  
10          manner as authorized under paragraph (3) of this sub-  
11          section;

12          “(5) to pay witnesses the same fees and mileage  
13          as are paid in like circumstances in the courts of the  
14          United States;

15          “(6) to initiate (through civil proceedings for in-  
16          junctive relief and through presentations to Federal  
17          grand juries), prosecute, defend, or appeal any civil or  
18          criminal action in the name of the Commission for the  
19          purpose of enforcing the provisions of this Act and of  
20          sections 602, 608, 610, 611, 612, 613, 614, 615, 616,  
21          and 617 of title 18, United States Code, through its  
22          General Counsel;

23          “(7) to delegate any of its functions or powers,  
24          other than the power to issue subpoenas under paragraph  
25          (3), to any officer or employee of the Commission; and



1           “(8) to make, amend, and repeal such rules, pur-  
2           suant to the provisions of chapter 5 of title 5, United  
3           States Code, as are necessary to carry out the provisions  
4           of this Act.

5           “(b) Any United States district court within the juris-  
6           diction of which any inquiry is carried on, may, upon petition  
7           by the Commission, in case of refusal to obey a subpoena or  
8           order of the Commission issued under subsection (a) of this  
9           section, issue an order requiring compliance therewith.  
10          Any failure to obey the order of the court may be punished  
11          by the court as a contempt thereof.

12          “(c) No person shall be subject to civil liability to any  
13          person (other than the Commission or the United States)  
14          for disclosing information at the request of the Commission.

15          “(d) Notwithstanding any other provision of law, the  
16          Commission shall be the primary civil and criminal enforce-  
17          ment agency for violations of the provisions of this Act, and  
18          of sections 602, 608, 610, 611, 612, 613, 614, 615, 616, and  
19          617 of title 18, United States Code. Any violation of any  
20          such provision shall be prosecuted by the Attorney General  
21          or Department of Justice personnel only after consultation  
22          with, and with the consent of, the Commission.

23          “(e) (1) Any person who violates any provision of this  
24          Act or of section 602, 608, 610, 611, 612, 613, 614, 615,  
25          616, or 617 of title 18, United States Code, may be as-

1    assessed a civil penalty by the Commission under paragraph  
2    (2) of this subsection of not more than \$10,000 for each  
3    such violation. Each occurrence of a violation of this Act  
4    and each day of noncompliance with a disclosure require-  
5    ment of this title or an order of the Commission issued  
6    under this section shall constitute a separate offense. In  
7    determining the amount of the penalty the Commission  
8    shall consider the person's history of previous violations,  
9    the appropriateness of such penalty to the financial resources  
10   of the person charged, the gravity of the violation, and the  
11   demonstrated good faith of the person charged in attempting  
12   to achieve rapid compliance after notification of a violation.

13       “(2) A civil penalty shall be assessed by the Commis-  
14   sion by order only after the person charged with a violation  
15   has been given an opportunity for a hearing and the Com-  
16   mission has determined, by decision incorporating its findings  
17   of fact therein, that a violation did occur, and the amount of  
18   the penalty. Any hearing under this section shall be of record  
19   and shall be held in accordance with chapter 5 of title 5,  
20   United States Code.

21       “(3) If the person against whom a civil penalty is  
22   assessed fails to pay the penalty, the Commission shall  
23   file a petition for enforcement of its order assessing the  
24   penalty in any appropriate district court of the United States.  
25   The petition shall designate the person against whom the

1 order is sought to be enforced as the respondent. A copy  
2 of the petition shall forthwith be sent by registered or cer-  
3 tified mail to the respondent and his attorney of record, and  
4 thereupon the Commission shall certify and file in such court  
5 the record upon which such order sought to be enforced was  
6 issued. The court shall have jurisdiction to enter a judgment  
7 enforcing, modifying, and enforcing as so modified, or set-  
8 ting aside in whole or in part the order and decision of the  
9 Commission or it may remand the proceedings to the Com-  
10 mission for such further action as it may direct. The court  
11 may determine de novo all issues of law but the Commis-  
12 sion's findings of fact, if supported by substantial evidence,  
13 shall be conclusive.

14 “(f) Upon application made by any individual holding  
15 Federal office, any candidate, or any political committee, the  
16 Commission, through its General Counsel, shall provide with-  
17 in a reasonable period of time an advisory opinion, with  
18 respect to any specific transaction or activity inquired of,  
19 as to whether such transaction or activity would constitute  
20 a violation of any provision of this Act or of any provision  
21 of title 18, United States Code, over which the Commission  
22 has primary jurisdiction under subsection (d).

23 “CENTRAL CAMPAIGN COMMITTEES

24 “SEC. 310. (a) Each candidate shall designate one  
25 political committee as his central campaign committee. A

1 candidate for nomination for election, or for election, to  
2 the office of President, may also designate one political  
3 committee in each State in which he is a candidate as his  
4 State campaign committee for that State. The designation  
5 shall be made in writing, and a copy of the designation,  
6 together with such information as the Commission may  
7 require, shall be furnished to the Commission upon the  
8 designation of any such committee.

9       “(b) No political committee may be designated as the  
10 central campaign committee of more than one candidate.  
11 The central campaign committee, and each State campaign  
12 committee, designated by a candidate nominated by a politi-  
13 cal party for election to the office of President shall be the  
14 central campaign committee and the State campaign com-  
15 mittee of the candidate nominated by that party for elec-  
16 tion to the office of Vice President.

17       “(c) (1) Any political committee authorized by a  
18 candidate to accept contributions or make expenditures in  
19 connection with his campaign for nomination for election,  
20 or for election, which is not a central campaign committee  
21 or a State campaign committee, shall furnish each report  
22 required of it under section 304 (other than reports required  
23 under section 311 (b) ) to that candidate’s central campaign  
24 committee at the time it would, but for this subsection,  
25 be required to furnish that report to the Commission. Any

1 report properly furnished to a central campaign committee  
2 under this subsection shall be, for purposes of this title,  
3 held and considered to have been furnished to the Com-  
4 mission at the time at which it was furnished to such  
5 central campaign committee.

6 “(2) The Commission may, by regulation, require any  
7 political committee receiving contributions or making ex-  
8 penditures in a State on behalf of a candidate who, under  
9 subsection (a), has designated a State campaign committee  
10 for that State to furnish its reports to that State campaign  
11 committee instead of furnishing such reports to the central  
12 campaign committee of that candidate.

13 “(3) The Commission may require any political com-  
14 mittee to furnish any report directly to the Commission.

15 “(d) Each political committee which is a central cam-  
16 paign committee or a State campaign committee shall re-  
17 ceive all reports filed with or furnished to it by other politi-  
18 cal committees, and consolidate and furnish the reports to the  
19 Commission, together with its own reports and statements,  
20 in accordance with the provisions of this title and regulations  
21 prescribed by the Commission.

22 “CAMPAIGN DEPOSITORIES

23 “SEC. 311. (a) (1) Each candidate shall designate one  
24 or more National or State banks as his campaign depositories.  
25 The central campaign committee of that candidate, and any

1 other political committee authorized by him to receive con-  
2 tributions or to make expenditures on his behalf, shall main-  
3 tain a checking account at a depository so designated by the  
4 candidate and shall deposit any contributions received by  
5 that committee into that account. A candidate shall deposit  
6 any payment received by him under section 506 of this Act  
7 in the account maintained by his central campaign commit-  
8 tee. No expenditure may be made by any such committee on  
9 behalf of a candidate or to influence his election except by  
10 check drawn on that account, other than petty cash expend-  
11 itures as provided in subsection (b) .

12 “(2) The treasurer of each political committee (other  
13 than a political committee authorized by a candidate to  
14 receive contributions or to make expenditures on his behalf)  
15 shall designate one or more National or State banks as cam-  
16 paign depositories of that committee, and shall maintain a  
17 checking account for the committee at each such depository.  
18 All contributions received by that committee shall be de-  
19 posited in such an account. No expenditure may be made by  
20 that committee except by check drawn on that account, other  
21 than petty cash expenditures as provided in subsection (b) .

22 “(b) A political committee may maintain a petty cash  
23 fund out of which it may make expenditures not in excess of  
24 \$100 to any person in connection with a single purchase  
25 or transaction. A record of petty cash disbursements shall

1 be kept in accordance with requirements established by  
2 the Commission, and such statements and reports thereof  
3 shall be furnished to the Commission as it may require.

4 “(c) A candidate for nomination for election, or for  
5 election, to the office of President may establish one such  
6 depository in each such State, which shall be considered by  
7 his State campaign committee for that State and any other  
8 political committee authorized by him to receive contribu-  
9 tions or to make expenditures on his behalf in that State,  
10 under regulations prescribed by the Commission, as his  
11 single campaign depository. The campaign depository of  
12 the candidate of a political party for election to the office  
13 of Vice President shall be the campaign depository desig-  
14 nated by the candidate of that party for election to the  
15 office of President.”.

16 (b) (1) Section 5314 of title 5, United States Code, is  
17 amended by adding at the end thereof the following new  
18 paragraph:

19 “(60) Members (other than the Comptroller Gen-  
20 eral), Federal Election Commission (7).”

21 (2) Section 5315 of such title is amended by adding at  
22 the end thereof the following new paragraphs:

23 “(98) General Counsel, Federal Election Com-  
24 mission.

1           “(99) Executive Director, Federal Election Com-  
2 mission.”

3           (c) Until the appointment and qualification of all the  
4 members of the Federal Election Commission and its Gen-  
5 eral Counsel and until the transfer provided for in this sub-  
6 section, the Comptroller General, the Secretary of the  
7 Senate, and the Clerk of the House of Representatives shall  
8 continue to carry out their responsibilities under title I and  
9 title III of the Federal Election Campaign Act of 1971 as  
10 such titles existed on the day before the date of enactment of  
11 this Act. Upon the appointment of all the members of the  
12 Commission and its General Counsel, the Comptroller Gen-  
13 eral, the Secretary of the Senate, and the Clerk of the House  
14 of Representatives shall meet with the Commission and ar-  
15 range for the transfer, within thirty days after the date on  
16 which all such members and the General Counsel are ap-  
17 pointed, of all records, documents, memorandums, and other  
18 papers associated with carrying out their responsibilities  
19 under title I and title III of the Federal Election Campaign  
20 Act of 1971.

21           (d) Title III of the Federal Election Campaign Act of  
22 1971 is amended by—

23           (1) amending section 301 (g) (relating to defini-  
24 tions) to read as follows:

25           “(g) ‘Commission’ means the Federal Election  
26 Commission;”;



1           (2) striking out “supervisory officer” in section  
2       302 (d) and inserting “Commission”;

3           (3) striking out section 302 (f) (relating to or-  
4       ganization of political committees) ;

5           (4) amending section 303 (relating to registration  
6       of political committees; statements) by—

7           (A) striking out “supervisory officer” each  
8       time it appears therein and inserting “Commis-  
9       sion”; and

10          (B) striking out “he” in the second sentence  
11       of subsection (b) of such section (as redesign-  
12       nated by section 203 (a) of this Act) and inserting  
13       “it”;

14          (5) amending section 304 (relating to reports by  
15       political committees and candidates) by—

16          (A) striking out “appropriate supervisory offi-  
17       cer” and “him” in the first sentence thereof and in-  
18       serting “Commission” and “it”, respectively; and

19          (B) striking out “supervisory officer” where it  
20       appears in the third sentence of subsection (a) and  
21       in paragraphs (12) and (14) (as redesignated  
22       by section 204 (d) (2) of this Act) of subsection  
23       (b), and inserting “Commission”;

24          (6) striking out “supervisory officer” each place it  
25       appears in section 306 (relating to formal requirements

1       respecting reports and statements) and inserting “Com-  
2       mission”;

3           (7) striking out “Comptroller General of the United  
4       States” and “he” in section 307 (relating to reports on  
5       convention financing) and inserting “Federal Election  
6       Commission” and “it”, respectively;

7           (8) striking out “SUPERVISORY OFFICER” in the  
8       caption of section 312 (as redesignated by subsection  
9       (a) of this section) (relating to duties of the supervisory  
10      officer) and inserting “COMMISSION”;

11          (9) striking out “supervisory officer” in section  
12      312 (a) (as redesignated by subsection (a) of this  
13      section) the first time it appears and inserting “Com-  
14      mission”;

15          (10) amending section 312 (a) (as redesignated by  
16      subsection (a) of this section) by—

17           (A) striking out “him” in paragraph (1) and  
18      inserting “it”;

19           (B) striking out “him” in paragraph (4) and  
20      inserting “it”; and

21           (C) striking out “he” each place it appears in  
22      paragraphs (7) and (9) and inserting “it”;

23          (11) striking out “supervisory officer” in section  
24      312 (b) (as redesignated by subsection (a) of this sub-  
25      section) and inserting “Commission”;

1           (12) amending subsection (c) of section 312 (as  
2 redesignated by subsection (a) of this section) by—

3           (A) striking out “Comptroller General” each  
4 place it appears therein and inserting “Commis-  
5 sion”, and striking out “his” in the second sentence  
6 of such subsection and inserting “its”; and

7           (B) striking out the last sentence thereof; and

8           (13) amending subsection (d) (1) of section 312  
9 (as redesignated by subsection (a) of this section) by—

10           (A) striking out “supervisory officer” each  
11 place it appears therein and inserting “Commis-  
12 sion”;

13           (B) striking out “he” the first place it appears  
14 in the second sentence of such section and inserting  
15 “it”; and

16           (C) striking out “the Attorney General on  
17 behalf of the United States” and inserting “the  
18 Commission”.

19           INDEXING AND PUBLICATION OF REPORTS

20           SEC. 402. Section 312 (a) (6) (as redesignated by this  
21 Act) of the Federal Election Campaign Act of 1971 (re-  
22 lating to duties of the supervisory officer) is amended to  
23 read as follows:

24           “(6) to compile and maintain a cumulative index  
25 listing all statements and reports filed with the Com-

1 mission during each calendar year by political com-  
2 mittees and candidates, which the Commission shall  
3 cause to be published in the Federal Register no less  
4 frequently than monthly during even-numbered years  
5 and quarterly in odd-numbered years and which shall  
6 be in such form and shall include such information as  
7 may be prescribed by the Commission to permit easy  
8 identification of each statement, report, candidate, and  
9 committee listed, at least as to their names, the dates  
10 of the statements and reports, and the number of pages  
11 in each, and the Commission shall make copies of state-  
12 ments and reports listed in the index available for sale,  
13 direct or by mail, at a price determined by the Com-  
14 mission to be reasonable to the purchaser;”.

15 JUDICIAL REVIEW

16 SEC. 403. Title III of the Federal Election Campaign  
17 Act of 1971 is amended by inserting after section 312 (as  
18 redesignated by this Act) the following new section:

19 “JUDICIAL REVIEW

20 “SEC. 313. (a) Any agency action by the Commission  
21 made under the provisions of this Act shall be subject to  
22 review by the United States Court of Appeals for the  
23 District of Columbia Circuit upon petition filed in such  
24 court by any interested person. Any petition filed pursuant  
25 to this section shall be filed within thirty days after the

1 agency action by the Commission for which review is sought.

2 “(b) The Commission, the national committee of any  
3 political party, and individuals eligible to vote in an election  
4 for Federal office, are authorized to institute such actions,  
5 including actions for declaratory judgment or injunctive  
6 relief, as may be appropriate to implement any provision  
7 of this Act.

8 “(c) The provisions of chapter 7 of title 5, United States  
9 Code, apply to judicial review of any agency action, as de-  
10 fined in section 551 of title 5, United States Code, by the  
11 Commission.

#### 12 FINANCIAL ASSISTANCE TO STATES

#### 13 TO PROMOTE COMPLIANCE

14 SEC. 404. Section 309 of the Federal Election Cam-  
15 paign Act of 1971 (relating to statements filed with State  
16 officers) is redesignated as section 314 of such Act and  
17 amended by—

18 (1) striking out “a supervisory officer” in sub-  
19 section (a) and inserting in lieu thereof “the Com-  
20 mission”;

21 (2) striking out “in which an expenditure is  
22 made by him or on his behalf” in subsection (a) (1)  
23 and inserting in lieu thereof the following: “in which  
24 he is a candidate or in which substantial expenditures  
25 are made by him or on his behalf”; and

1           (3) adding the following new subsection:

2           “(c) There is authorized to be appropriated to the  
3 Commission in each fiscal year the sum of \$500,000, to  
4 be made available in such amounts as the Commission deems  
5 appropriate to the States for the purpose of assisting them  
6 in complying with their duties as set forth in this section.”.

7                   AUTHORIZATION OF APPROPRIATIONS

8           SEC. 405. Title III of the Federal Election Campaign  
9 Act of 1971 is amended by adding at the end of such title the  
10 following new section:

11                   “AUTHORIZATION OF APPROPRIATIONS

12           “SEC. 319. There are authorized to be appropriated to  
13 the Commission, for the purpose of carrying out its functions  
14 under this title and under chapter 29 of title 18, United  
15 States Code, not to exceed \$5,000,000 for the fiscal year  
16 ending June 30, 1974, and not to exceed \$5,000,000 for  
17 each fiscal year thereafter.

18           TITLE V—DISCLOSURE OF FINANCIAL INTER-  
19           ESTS BY CERTAIN FEDERAL OFFICERS AND  
20           EMPLOYEES

21                   FEDERAL EMPLOYEE FINANCIAL DISCLOSURE

22                           REQUIREMENTS

23           SEC. 501. (a) Any candidate of a political party in a  
24 general election for the office of a Member of Congress who,  
25 at the time he becomes a candidate, does not occupy any  
26 such office, shall file within one month after he becomes a

1 candidate for such office, and each Member of Congress, each  
2 officer and employee of the United States (including any  
3 member of a uniformed service) who is compensated at a  
4 rate in excess of \$25,000 per annum, any individual occupy-  
5 ing the position of an officer or employee of the United  
6 States who performs duties of the type generally performed  
7 by an individual occupying grade GS-16 of the General  
8 Schedule or any higher grade or position (as determined by  
9 the Federal Election Commission regardless of the rate of  
10 compensation of such individual), the President, and the  
11 Vice President shall file annually, with the Commission a  
12 report containing a full and complete statement of—

13           (1) the amount and source of each item of income,  
14       each item of reimbursement for any expenditure, and  
15       each gift or aggregate of gifts from one source (other  
16       than gifts received from his spouse or any member of  
17       his immediate family) received by him or by him and  
18       his spouse jointly during the preceding calendar year  
19       which exceeds \$100 in amount or value, including any  
20       fee or other honorarium received by him for or in con-  
21       nection with the preparation or delivery of any speech  
22       or address, attendance at any convention or other as-  
23       sembly of individuals, or the preparation of any article  
24       or other composition for publication, and the monetary  
25       value of subsistence, entertainment, travel, and other  
26       facilities received by him in kind;

1           (2) the identity of each asset held by him, or by  
2           him and his spouse jointly which has a value in excess  
3           of \$1,000, and the amount of each liability owed by him  
4           or by him and his spouse jointly, which is in excess of  
5           \$1,000 as of the close of the preceding calendar year;

6           (3) any transactions in securities of any business  
7           entity by him or by him and his spouse jointly, or by  
8           any person acting on his behalf or pursuant to his direc-  
9           tion during the preceding calendar year if the aggregate  
10          amount involved in transactions in the securities of such  
11          business entity exceeds \$1,000 during such year;

12          (4) all transactions in commodities by him, or by  
13          him and his spouse jointly, or by any person acting on  
14          his behalf or pursuant to his direction during the pre-  
15          ceding calendar year if the aggregate amount involved in  
16          such transactions exceeds \$1,000; and

17          (5) any purchase or sale, other than the purchase  
18          or sale of his personal residence, of real property or any  
19          interest therein by him, or by him and his spouse jointly,  
20          or by any person acting on his behalf or pursuant to his  
21          direction, during the preceding calendar year if the value  
22          of property involved in such purchase or sale exceeds  
23          \$1,000.

24          (b) Reports required by this section (other than reports  
25          so required by candidates of political parties) shall be filed



1 not later than May 15 of each year. In the case of any per-  
2 son who ceases, prior to such date in any year, to occupy the  
3 office or position the occupancy of which imposes upon him  
4 the reporting requirements contained in subsection (a) shall  
5 file such report on the last day he occupies such office or  
6 position, or on such later date, not more than three months  
7 after such last day, as the Commission may prescribe.

8 (c) Reports required by this section shall be in such  
9 form and detail as the Commission may prescribe. The Com-  
10 mission may provide for the grouping of items of income,  
11 sources of income, assets, liabilities, dealings in securities or  
12 commodities, and purchases and sales of real property, when  
13 separate itemization is not feasible or is not necessary for an  
14 accurate disclosure of the income, net worth, dealing in secu-  
15 rities and commodities, or purchases and sales of real prop-  
16 erty of any individual.

17 (d) Any person who willfully fails to file a report re-  
18 quired by this section or who knowingly and willfully files a  
19 false report under this section, shall be fined \$2,000, or im-  
20 prisoned for not more than five years, or both.

21 (e) All reports filed under this section shall be main-  
22 tained by the Commission as public records, which, under  
23 such reasonable regulations as it shall prescribe, shall be  
24 available for inspection by members of the public.

25 (f) For the purposes of any report required by this

1 section, an individual shall be considered to have been Presi-  
2 dent, Vice President, a Member of Congress, an officer or  
3 employee of the United States, or a member of a uniformed  
4 service, during any calendar year if he served in any such  
5 position for more than six months during such calendar year.

6 (g) As used in this section—

7 (1) The term “income” means gross income as defined  
8 in section 61 of the Internal Revenue Code of 1954.

9 (2) The term “security” means security as defined in  
10 section 2 of the Securities Act of 1933, as amended (15  
11 U.S.C. 77b).

12 (3) The term “commodity” means commodity as de-  
13 fined in section 2 of the Commodity Exchange Act, as  
14 amended (7 U.S.C. 2).

15 (4) The term “transactions in securities or commodities”  
16 means any acquisition, holding, withholding, use, transfer,  
17 or other disposition involving any security or commodity.

18 (5) The term “Member of Congress” means a Senator,  
19 a Representative, a Resident Commissioner, or a Delegate.

20 (6) The term “officer” has the same meaning as in  
21 section 2104 of title 5, United States Code.

22 (7) The term “employee” has the same meaning as in  
23 section 2105 of such title.

24 (8) The term “uniformed service” means any of the

1 Armed Forces, the commissioned corps of the Public Health  
2 Service, or the commissioned corps of the National Oceanic  
3 and Atmospheric Administration.

4 (9) The term "immediate family" means the child,  
5 parent, grandparent, brother, or sister of an individual, and  
6 the spouses of such person.

7 (h) Section 554 of title 5, United States Code, is  
8 amended by adding at the end thereof the following new  
9 subsection:

10 "(f) All written communications and memorandums  
11 stating the circumstances, source, and substance of all oral  
12 communications made to the agency, or any officer or em-  
13 ployee thereof, with respect to any case which is subject to  
14 the provisions of this section by any person who is not an  
15 officer or employee of the agency shall be made a part of  
16 the public record of such case. This subsection shall not apply  
17 to communications to any officer, empolyee, or agent of the  
18 agency engaged in the performance of investigative or prose-  
19 cuting functions for the agency with respect to such case."

20 (i) The first report required under this section shall  
21 be due on the fifteenth day of May occurring at least thirty  
22 days after the date of enactment.

1 TITLE VI—RELATED INTERNAL REVENUE CODE  
2 AMENDMENTS

3 INCREASE IN POLITICAL CONTRIBUTIONS CREDIT AND  
4 DEDUCTION

5 SEC. 601. (a) Section 41 (b) (1) of the Internal Rev-  
6 enue Code of 1954 (relating to maximum credit for contribu-  
7 tions to candidates for public office) is amended to read as  
8 follows:

9 “(1) MAXIMUM CREDIT.—The credit allowed by  
10 subsection (a) for a taxable year shall not exceed \$25  
11 (\$50 in the case of a joint return under section 6013).”

12 (b) Section 218 (b) (1) of the Internal Revenue Code  
13 of 1954 (relating to amount of deduction for contributions  
14 to candidates for public office) is amended to read as follows:

15 “(1) AMOUNT.—The deduction under subsection  
16 (a) shall not exceed \$100 (\$200 in the case of a joint  
17 return under section 6013).”

18 (c) The amendments made by subsections (a) and (b)  
19 shall apply with respect to any political contribution the  
20 payment of which is made after December 31, 1973.

21 REPEAL OF EXISTING PROVISIONS RELATING TO  
22 PRESIDENTIAL CAMPAIGN FINANCING

23 SEC. 502. (a) Part VIII of subchapter A of chapter 61  
24 of the Internal Revenue Code of 1954 (relating to designa-  
25 tion of income tax payments to the Presidential Election

1 Campaign Fund) is repealed. Subtitle II of such Code (re-  
2 lating to financing of Presidential election campaigns) is  
3 repealed.

4 (b) The table of parts for subchapter A of chapter 61  
5 of such Code is amended to strike out the last item (relat-  
6 ing to part VIII).

7 (c) The amendments made by this section take effect  
8 on the date of enactment of this Act.

9 GIFT TAX TREATMENT OF POLITICAL CONTRIBUTIONS

10 SEC. 603. (a) Section 2503 (b) of the Internal Revenue  
11 Code of 1954 (relating to exclusions from gifts) is amended  
12 by adding at the end thereof the following new sentence:  
13 "Gifts made to different political committees which make ex-  
14 penditures (including transfers of funds and contributions  
15 by a committee) for the purpose of influencing the nomina-  
16 tion or election of any candidate for elective office shall for  
17 purposes of this subsection be deemed to have been made  
18 to that candidate unless the donor establishes to the satisfac-  
19 tion of the Secretary or his delegate that—

20 (1) at the time he made the gift he could not have  
21 been reasonably expected to know which candidate  
22 would benefit from his gift, and

23 (2) at no time did he direct, request, or suggest to  
24 the committee, or to any person associated with that

14 committee, that a particular candidate should receive  
15 any benefit from his gift.

16 (b) The amendment made by subsection (a) shall  
17 apply with respect to gifts made on or after the date of  
18 enactment.

## 19 TITLE VII—MISCELLANEOUS PROVISIONS

### 20 PRESIDENTIAL PREFERENCE PRIMARY ELECTIONS

21 SEC. 701. (a) Each State which conducts a Presi-  
22 dential preference primary election shall conduct that elec-  
23 tion only on a date occurring after the first day in May  
24 during any year in which the electors of the President and  
25 Vice President are appointed.

14 (b) For purposes of this section, the term—

15 (1) “Presidential preference primary election”  
16 means an election conducted by a State, in whole or  
17 in part, for the purpose of—

18 (A) permitting the voters of that State to  
19 express their preferences for the nomination of  
20 candidates by political parties for election to the  
21 office of President, or

22 (B) choosing delegates to the national nomi-  
23 nating conventions held by political parties for the  
24 purpose of nominating such candidates; and

25 (2) “State” means each of the several States of the  
26 United States, and the District of Columbia.

## CONGRESSIONAL PRIMARIES

1  
2 SEC. 702. (a) If, under the law of any State, the  
3 candidate of a political party for election to the Senate or  
4 to the House of Representatives is determined by a pri-  
5 mary election or by a convention conducted by that party,  
6 the primary election or convention shall not be held before  
7 the first Tuesday in August. If a subsequent, additional  
8 primary election is necessary to determine the nominee of  
9 any political party in a State, that additional election shall  
10 be held within thirty days after the date of the first such  
11 primary election.

12 (b) For purposes of this section—

13 (1) the term “State” means each of the several  
14 States of the United States, the Commonwealth of  
15 Puerto Rico, the territory of Guam, and the territory  
16 of the Virgin Islands; and

17 (2) a candidate for election as Resident Commis-  
18 sioner to the United States, in the case of the Common-  
19 wealth of Puerto Rico, or as Delegate to the House of  
20 Representatives, in the case of the territory of Guam or  
21 the territory of the Virgin Islands, is considered to be a  
22 candidate for election to the House of Representatives.

23 (c) Section 10 (a) (3) of the District of Columbia Elec-  
24 tion Act (D.C. Code, sec. 1110 (a) (3)) is amended by

1 striking out "the first Tuesday in May" and inserting in lieu  
2 thereof "the first Tuesday in August".

3           SUSPENSION OF FRANK FOR MASS MAILINGS

4                   IMMEDIATELY BEFORE ELECTIONS

5       SEC. 703. Notwithstanding any other provision of law,  
6 no Senator, Representative, Resident Commissioner, or Dele-  
7 gate shall make any mass mailing of a newsletter or mailing  
8 with a simplified form of address under the frank under  
9 section 3210 of title 39, United States Code, during the  
10 sixty days immediately preceding the date on which any  
11 election is held in which he is a candidate.

12           PROHIBITION OF FRANKED SOLICITATIONS

13       SEC. 704. No Senator, Representative, Resident Com-  
14 missioner, or Delegate shall make any solicitation of funds by  
15 a mailing under the frank under section 3210 of title 39,  
16 United States Code.



Amdt. No. 1127

Calendar No. 665

93<sup>d</sup> CONGRESS  
2<sup>d</sup> SESSION

**S. 3044**

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## **AMENDMENT**

(IN THE NATURE OF A SUBSTITUTE)

Intended to be proposed by Mr. DOLE to S. 3044, a bill to amend the Federal Election Campaign Act of 1971 to provide for public financing of primary and general election campaigns for Federal elective office, and to amend certain other provisions of law relating to the financing and conduct of such campaigns.

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APRIL 1, 1974

Ordered to lie on the table and to be printed